

30.03.2023
SL No.13
Court No.8
(gc)

**SAT 22 of 2015
(With Reference File
SA 154 of 2016)**

**Sadagar Ali & Ors.
Vs.
Mohd. Illiyas & Anr.**

The appellants are not represented nor any accommodation is prayed for on their behalf.

The instant appeal is directed against an order passed in miscellaneous appeal thereby affirming the order of dismissal of the misc. case under Section 8 of the West Bengal Land Reforms Act. The Stamp Reporter in his report has stated that it needs to be considered whether the instant second appeal is maintainable in view of the provision of Section 54 of the W.B.L.R. Act contemplating a single appeal. The said issue was decided by a Coordinate Bench on 2nd March, 2016 in SAT 157 of 2015 (Uttam Pahan Vs. Jogesh Pahan). In the said decision, the Hon'ble Division Bench held:-

“There is no provision under the West Bengal Land Reforms Act, 1955 for preferring any second appeal against the order passed by the appellate forum in connection with a preemption proceeding. As such, the appeal is not maintainable.”

The order and/or judgment under appeal in the said second appeal was passed by the learned Appeal Court in connection with a preemption of appeal.

Under such circumstances, the second appeal is dismissed as not maintainable.

The appellants shall be at liberty to take back the original certified copy of the impugned order and/or judgment upon filing an authenticated photostat copy of the same from the concerned department.

We make it clear that the dismissal of the appeal will not preclude the appellants from seeking appropriate remedy in appropriate forum in accordance with law.

Since the appellants are not represented, we direct the department to communicate this order to the appellants by Speed Post with A.D. within one week from date and an administrative notice be issued to the learned Advocate-on-record for the appellants accompanied by a copy of this order.

The original file of SAT 157 of 2015 (SA 154 of 2016) (Uttam Pahan Vs. Jogesh Pahan) shall be sent down to the department.

(Uday Kumar, J.)

(Soumen Sen, J.)